

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

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DONALD D. DAVIS,

Plaintiff,

v.

COMMISSIONER SOCIAL SECURITY
ADMINISTRATION,

Defendant.

No. CV05-6267-ST

OPINION AND ORDER

MOSMAN, J.,

On July 19, 2006, Magistrate Judge Stewart issued Findings and Recommendation ("F&R") (#11) in the above-captioned case recommending this case be remanded to the Commissioner for further proceedings under sentence four of 42 U.S.C. § 405(g). No objections were filed.

The magistrate judge only makes recommendations to the district court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. Where objections have been made, I conduct a *de novo* review. 28 U.S.C. § 636(b)(1)(C). However, I am not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are made. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir.

2003).

Upon review, I agree with Judge Stewart's recommendation to REMAND FOR FURTHER PROCEEDINGS, and I ADOPT the F&R as my own opinion.

IT IS SO ORDERED.

DATED this 24 day of August, 2006.


MICHAEL W. MOSMAN
United States District Court